



House of Representatives

General Assembly

File No. 434

February Session, 2006

Substitute House Bill No. 5740

House of Representatives, April 6, 2006

The Committee on Labor and Public Employees reported through REP. RYAN, K. of the 139th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING ERGONOMICS AND WORKPLACE SAFETY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 31-40v of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2006*):

3 (a) In order to promote health and safety in places of employment in
4 this state, each employer of twenty-five or more employees in this
5 state, including the state and any political subdivision of the state, and
6 each employer whose rate of work related injury and illness exceeds
7 the average incidence rate of all industries in this state, shall
8 administer a safety and health committee in accordance with
9 regulations adopted pursuant to subsection (b) of this section. For
10 purposes of this subsection, "incidence rate" means the number of
11 federal Occupational Safety and Health Administration recordable
12 injuries and illnesses per one hundred full-time employees.

13 (b) The chairman of the Workers' Compensation Commission, in
14 consultation with the Labor Commissioner and in accordance with the
15 provisions of chapter 54, shall adopt regulations to carry out the

16 provisions of this section. The regulations shall (1) prescribe the
17 membership of safety and health committees to ensure representation
18 of employees and employers; (2) specify the frequency of committee
19 meetings; (3) require employers to make, file and maintain adequate
20 written records of each committee meeting subject to inspection by the
21 chairman or [his] an authorized designee; (4) require employers to
22 compensate employee representatives at their regular hourly wage
23 while the employee representatives are engaged in safety and health
24 committee training or are attending committee meetings; (5) prescribe
25 the duties and functions of safety and health committees, which shall
26 include (A) establishing procedures for workplace safety inspections
27 by the committee, (B) establishing procedures for investigating all
28 safety incidents, accidents, illnesses and deaths, (C) evaluating
29 accident and illness prevention programs, (D) establishing training
30 programs for the identification and reduction of hazards in the
31 workplace which damage the reproductive systems of employees, and
32 (E) establishing training programs to assist committee members in
33 understanding and identifying the effects of employee substance abuse
34 on workplace accidents and safety; and (6) prescribe guidelines for the
35 training of safety and health committee members.

36 (c) Notwithstanding the provisions of this section, each employer
37 who, on July 1, 1993, has an existing health and safety program or
38 other program determined by the chairman of the Workers'
39 Compensation Commission to be effective in the promotion of health
40 and safety in the workplace, shall not be required to comply with
41 subsections (a) and (b) of this section. The chairman of the Workers'
42 Compensation Commission, in consultation with the Labor
43 Commissioner, shall adopt regulations, in accordance with the
44 provisions of chapter 54, establishing the criteria for evaluating such
45 programs.

46 (d) Any employer with more than one hundred employees in the
47 state shall:

48 (1) Review and analyze its injury and illness records, including, but

49 not limited to, records of injuries to employees required under section
50 31-316 and 29 USC 657, first aid logs and records of employee
51 complaints or grievances, to determine whether there is a pattern of
52 ergonomic-related injuries or illnesses in certain jobs or work tasks,
53 provided no such review or analysis shall involve the disclosure of
54 individually identifiable health information about any employee or
55 any other information in violation of the federal Health Insurance
56 Portability and Accountability Act, as amended from time to time, or
57 of the provisions of 45 CFR Parts 160 and 164, as amended from time
58 to time;

59 (2) Review and analyze jobs or work tasks to identify potential
60 ergonomic problems and to determine if certain jobs or work tasks
61 present ergonomic risks that may contribute to musculoskeletal
62 disorders;

63 (3) Seek employee input about the existence of ergonomic problems
64 related to particular jobs or work tasks by reviewing employee
65 complaints about work-related musculoskeletal disorders,
66 interviewing employees, conducting symptom surveys or distributing
67 employee questionnaires; and

68 (4) Develop a written ergonomics policy setting forth (A)
69 procedures for the employer and its employees to jointly evaluate the
70 extent and causes of any work-related ergonomic problems and to
71 make improvements in job design or other causative factors in order to
72 prevent or minimize such problems, (B) procedures for providing
73 ergonomics training to the employer and its employees in order to
74 prevent or minimize musculoskeletal disorders, and (C) incentives for
75 employees to report early symptoms of musculoskeletal disorders in
76 order to prevent or minimize incapacity or disability through early
77 conservative medical treatment and ergonomic interventions.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2006	31-40v
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LAB *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Effect	FY 07 \$	FY 08 \$
Various State Agencies; Dept. of Administrative Services	All Funds - Cost	See Below	See Below

Municipal Impact:

Municipalities	Effect	FY 07 \$	FY 08 \$
Various Municipalities	Cost	See Below	See Below

Explanation

This bill requires any employer with more than 100 employees to develop a written ergonomics policy. The policy must set procedures to evaluate ergonomics problems and to make job-design improvements to minimize problems. The bill also requires the policy to set procedures for providing ergonomics training and requires employers to review and analyze injury records and work tasks.

This bill will increase the workload for the Department of Administrative Services (DAS), various other state agencies, and municipalities with more than 100 employees.

Under the bill, employers must seek employee input on the existence of ergonomics problems. If DAS seeks employee input by conducting symptom surveys or distributing questionnaires, the agency will incur costs. There will also be minimal costs associated with the development of the written ergonomics policy.

If the state or municipalities choose to implement any of the policy recommendations or job-design improvements, significant costs may result.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 5740*****AN ACT CONCERNING ERGONOMICS AND WORKPLACE SAFETY.*****SUMMARY:**

This bill requires any employer with more than 100 employees to develop a written ergonomics policy. The policy must (1) procedures for the employer and its employees to jointly evaluate ergonomics problems and make job-design improvements to minimize them, (2) ergonomics training procedures for the employer and employees, and (3) employee incentives to report early symptoms of musculoskeletal disorders to minimize disabilities through early medical treatment and ergonomic interventions.

The bill requires these employers to (1) review and analyze injury records, (2) review and analyze jobs and work tasks for potential ergonomic problems or risks that may contribute to musculoskeletal disorders, and (3) seek employee input about ergonomic problems.

By law, employers with 25 or more employees, including the state and any of its political subdivisions, and employers that have higher than normal injury incident rates, must have a safety and health committee. Among other things, the committee must (1) establish procedures for investigating workplace safety incidents, accidents, and illnesses; (2) evaluate accident and illness prevention programs; and (3) establish procedures for workplace safety inspections.

The bill does not define ergonomics or ergonomic problems.

EFFECTIVE DATE: October 1, 2006

ANALYZING INJURY RECORDS AND CONFIDENTIALITY

The bill requires employers with 100 or more employees to determine if there is a pattern of ergonomic-related injury or illness in certain jobs by reviewing and analyzing illness and injury records including (1) employer workers' compensation injury records (CGS § 31-316 already requires employers to keep these records), (2) Occupational Safety and Health Act injury log forms, (3) first aid logs, and (4) employee complaint or grievance records. The analysis must be done without disclosing any individually identifiable health information about an employee or any other information in violation of the federal Health Insurance Portability and Accountability Act or privacy of health information regulations (45 CFR Parts 160 and 164, as amended).

EMPLOYEE INPUT ON ERGONOMIC PROBLEMS

The bill also requires employers to seek employee input about the existence of ergonomic problems related to particular jobs or work tasks by (1) reviewing employee complaints about work-related musculoskeletal disorders, (2) interviewing employees, (3) conducting symptom surveys, or (3) distributing employee questionnaires.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 11 Nay 2 (03/21/2006)